

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

KEITH MARTIN MOLINEAUX, JR.,

Plaintiff,

v.

Case No. 2:12-09451

JIM RUBENSTEIN, Commissioner,  
West Virginia Division of Corrections, and  
DAVID BALLARD, Warden,  
Mount Olive Correctional Complex,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending are plaintiff's application to proceed without prepayment of fees and costs ("application"), filed December 12, 2014, motion to amend the complaint, filed March 5, 2014, and letter-form motion to voluntarily dismiss this action, received by the undersigned in chambers on March 16, 2015.

This action was previously referred to Dwane L. Tinsley, United States Magistrate Judge, who, on February 24, 2015, submitted his Proposed Findings and Recommendations ("PF&R") pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommends that the court dismiss the complaint pursuant to 28 U.S.C. § 1915A, deny the application, and deny the motion to amend.

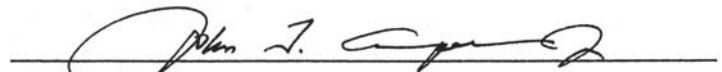
On March 16, 2015, as noted, the court received a letter from plaintiff, construed as a motion to voluntarily dismiss this action, which is ORDERED filed today. In the letter-form motion, plaintiff asserts that he mailed to the court a request for voluntary dismissal of this action in August 2014. No such letter was received. In any event, plaintiff now requests voluntary dismissal.

Based upon plaintiff's request, it is ORDERED as follows:

1. That the motion to amend be, and hereby is, denied;
2. That the application be, and hereby is, granted, with plaintiff relieved of the obligation to pay any costs associated with the filing of this action; and
3. That this action be, and hereby is, dismissed and stricken from the docket.

The Clerk is directed to send a copy of this written opinion and order to counsel of record and plaintiff.

ENTER: March 18, 2015

  
John T. Copenhaver, Jr.  
United States District Judge